



## **COMMENT DECISION MEMO**

### **ROADSIDE HAZARD TREE REMOVAL #3**

**USDA Forest Service  
Beaverhead-Deerlodge National Forest  
Butte, Jefferson, and Pintler Ranger Districts  
T. 4 N., T. 5 N., T. 6 N., R 6 W., R 7 W., R 8 W.  
*Silver Bow, Jefferson, and Deer Lodge Counties, Montana***

#### **POTENTIAL DECISION**

In order to reduce hazards to public safety, the Responsible Official is considering making a decision to:

- Remove dead and mountain pine beetle infested (showing evidence of beetle activity such as pitch tubes, pitch runners, boring dust) lodgepole pine trees along several system roads on the Butte, Jefferson, and Pintler Ranger Districts as displayed in the Table below.
- Remove trees that have been structurally weakened by the mountain pine beetle infestation (i.e., trees susceptible to windthrow due to lack of wind firmness, which results in root sprung trees).
- Trees would be removed within an identified corridor along each road. The corridor would vary, depending on the slope and height of the trees, from 0 to about 150 feet along both sides of the roadways.
- Trees would be whole-tree yarded to landing areas. Where accessible, landing slash may be chipped and removed; otherwise slash would be burned.
- All activities would occur from existing roads; no temporary roads would be constructed.
- Trees that do not pose a safety hazard to the public would be retained, and any areas along the roadways that do not pose a safety hazard (for example, no dead or mountain pine beetle infested trees, open areas, small trees) would be excluded from activity.
- In areas with hazard trees that cannot be removed due to resource concerns, the trees will either be hand felled and left on site, or removed in such a way as to have no effect on the resources. Such sites include, but are not limited to, Riparian Conservation Areas (RCAs) and archeological sites.

After careful consideration of the Forest –wide Roadside Hazard Tree Prioritization process, the Forest has determined that the following roads should be included in the proposed action:

ROAD ID #	NAME	TOTAL MILES
82	BOULDER RIVER	7.3
85	BROWNS GUL DRY COT	7.7
87	DRY GULCH	6.1
442	TRASK LOWLAND	1.2
512	SAWMILL GULCH	1.1
608	FOUR CORNERS	1.4
674	BROWNS AMERICAN GUL	7.3
705	SUGARLOAF MOUNTAIN	1.7
1504	SPRING EMERY	9.0
1518	COTTONWOOD CR	7.0
1572	THUNDERBOLT	1.8
1588	RED ROCK CONNECTION	7.0
5075	INDIAN CR	2.9
5196	OLINGER CUT ACROSS	2.6
9411	SAND HOLLOW	2.1
78154	NEZ PERCE CK	1.1
1538	HAYSTACK TRHD	0.9
		<b>TOTAL PROJECT MILES 68.2</b>

The selection of these roads was first based on the Forest-wide Roadside Hazard Prioritization process and then pre-NEPA interdisciplinary input that included the local knowledge about presence of hazard trees on roads identified in the GIS-based prioritization process. No unauthorized routes (non-system routes) will be considered in this analysis. Please refer to the attached map that displays the location of these Forest Roads.

Other features associated with this decision would include:

- All heavy equipment will have an undercarriage wash, and be inspected, prior to entering National Forest System lands to reduce the spread of noxious weeds. Noxious weeds will be controlled following procedures in the Noxious Weed Control Program Record of Decision (2002) for the Beaverhead-Deerlodge National Forest. All routes and harvest areas associated with the project will be surveyed and treated for invasive plant species prior to project activities. Invasive plant monitoring and additional treatment will occur following completion of the proposed project and continue for up to five years. Invasive plant treatments should be implemented at a time of year when treatment is most effective, rather than when plants are in flower or seed.
- Log landings will be located in noxious weed free areas, or if no weed free areas are available, the site will be treated prior to use to minimize noxious weed seed production and spread. Since invasive species are located in the project areas, ground disturbance associated with the project will be limited.

Slash and chipped material can be spread over bare soil generated as a result of the project. Debris/rocks will be placed to deter public motorized vehicle use on landings.

- Disturbed areas will be monitored to insure soil stabilization occurs through natural revegetation from the soil seed bank. If additional plant seed is required, only native species common to the site will be used. All seed and mulch material will be certified noxious weed seed free.
- No landings will be located in meadows, parks, or riparian areas.
- If currently unknown cultural resources are discovered during project implementation, operations affecting that discovery will be curtailed until the site is evaluated by a Forest archaeologist.
- Timing of project activities will be consistent with existing road management.
- No winter logging January 1 through April 1 on FSRs that have an approved groomed snowmobile trail.
- No log hauling will occur on weekends and holidays during the big game rifle season.
- During summer logging operations, traffic delays should be minimal (under 15 minutes) with no hauling or logging activities on weekends and after 3:00 pm on Fridays on select roads to allow for camper trailer traffic on the roads and dispersed recreation use of lands adjacent to roads.
- Multiple pass skidding trails will be designated and located by the sale administrator, and will be spaced between 75 and 100 feet apart. Skid trails that are used when the soil is not frozen will be adequately drained and located on slope positions where drainage structures can function, generally up out of draw bottoms and on ridge shoulders. Fine and coarse slash can be placed on skid trails as an alternative to drainage structures.
- Operating heavy machinery in harvest units, on skid trails, and on landings will only take place when soils are dry as determined by the Forest Service, or are frozen. Landings and skid trails will be rehabilitated when no longer needed. Detrimentially compacted soil will be ripped, and heavily disturbed areas will be seeded to assure vegetative cover. Areas that do not meet standards will be rehabilitated to assure that productivity effects are reduced in the near term and eliminated over the long term.
- Any equipment used (clippers, skidders) should enter and exit the unit using the same trail without turning around to avoid excessive soil disturbance associated with turning. However, when turning tracked equipment around is necessary, operators will "feather" the brake and turn gradually to avoid piling the soil at the turn location.
- Slash piles will be built so they cover a minimum area of ground (i.e. narrow and tall, rather than broad and short). Piles will be burned when soils are moist and soil temperatures are low, in the fall or spring.
- Stumps will be cut as low as possible along all roads.
- Retain live, healthy trees where they occur, especially preserving clumps of live trees, young to mature in age classes. Care will be taken to protect them from logging operations.
- Retain existing live trees and other vegetation along the edges of roads to provide screening of harvest areas. This will be accomplished by limiting entry points to the harvest areas from project roads.
- Mimic natural patterns in treatment design and operations, especially in the elements of form and line. Create natural appearing, meandering edges, and tie into existing meadows and clearings. Retain

smaller, low-branched trees along the back edge of the unit to minimize a "bole-edge effect", where feasible.

## **PURPOSE AND NEED**

The purpose and need for this project is as follows:

- To maintain public safety by mitigating the hazardous conditions created by dead and dying trees directly adjacent to the highest priority Forest Roads identified in the Forest-wide Hazard Tree Prioritization process.
- To provide for public safety as described in Forest Service Manual and Handbook direction.
- To meet Forest Plan Goal for Infrastructure – Transportation System: Roads and trails are constructed, managed, and maintained to meet land and resource objectives (FP page 23).

## **REASONS FOR CATEGORICALLY EXCLUDING THE PROPOSED ACTION**

An action may be categorically excluded from further analysis and documentation in an environmental impact statement (EIS) or environmental assessment (EA) if it is within one of the categories identified by the USDA in 7 CFR part 1b.3 or a category listed at 36 CFR 220.6(d) and (e), and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

This project has been reviewed in accordance with 36 CFR 220.6. The interdisciplinary team responsible for identifying and documenting potential environmental effects of this action determined the project would fall within the category of exclusion 36 CFR 220.6(d)(4): repair and maintenance of roads, trails, and landline boundaries.

The interdisciplinary team reviewed the resource conditions listed at 36 CFR 220.6(b) and other concerns applicable to this project to determine suitability for categorical exclusion. The mere presence of one or more resource conditions does not preclude use of a categorical exclusion. It is the degree of the potential effect of a proposed action on those resource conditions that determine whether extraordinary circumstances exist.

Specialist reports have not been finalized at the time the Comment Decision Memo became available for public comment. The following information provides preliminary findings and is presented here to assist reviewers in providing comments on the proposal. All specialist reports will be completed before the Responsible Official reaches a decision. The degree of the potential effect of the proposed action on the resource conditions will be disclosed in the Decision Memo.

RESOURCE CONDITION	APPLICABILITY TO PROJECT
Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.	<p>There are no Threatened or Endangered Species occurring in the project area; no effect to any federally listed species.</p> <p>This project may impact individuals or habitat, but would not contribute to a trend towards federal listing or loss of viability to the population or species for the following species – black-backed woodpecker, westslope cutthroat trout, and boreal toad.</p> <p>This project will have no impact on all other Sensitive terrestrial, aquatic, and plant species</p>
Floodplains, wetlands, or municipal watersheds	No negative impacts to floodplains, wetlands, or the municipal watersheds are projected.
Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas	The project areas are not located within any Congressionally designated areas; no impacts are projected.
Inventoried roadless areas	The project areas are not located within any inventoried roadless areas; no impacts are projected.
Research natural areas	The project areas are not located within any research natural areas; no impacts are projected.
<p>American Indians and Alaska Native religious or cultural sites</p> <p>Archaeological sites, or historic properties or areas</p>	<p>Hazard trees that are near any religious or cultural site, archaeological sites, or historic properties or areas would be hand felled and left on site. No negative impacts to religious or cultural sites, archaeological sites, or historic properties or areas are projected.</p>

No adverse impacts to the soil resource are expected. The project would be designed in conformance with regional and forest plan standards, and would incorporate appropriate forest wide standards for the protection of soil resource quality.

By definition, categorical exclusions do not individually or cumulatively have significant effects on the human environment (40 CFR 1508.4). Preliminary analyses considered cumulative impacts from the proposed action coupled with past, present, and reasonably foreseeable actions. The interdisciplinary team will analyze cumulative effects at multiple spatial scales (project area, watershed, landscape, Forest-wide and regionally) that vary depending upon the specific resource.

Based on past experience, site-specific environmental analysis, and preliminary findings, it appears this project would have no significant effect on the human environment, individually or cumulatively, and may be categorically excluded from documentation in an EIS or EA. No extraordinary circumstances appear to exist that might cause this potential decision to require documentation in an EA or EIS.

## **SCOPING AND PUBLIC INVOLVEMENT**

The proposal was listed in the January 2009 and April 2009 Schedule of Proposed Actions (SOPA) for the Beaverhead-Deerlodge National Forest (BDNF). Public comments received in response to scoping and

circulation of comment decision memos on previous projects of identical nature that have been implemented in the past two years (Roadside Hazard Tree Removal #1 and #2) have been both few and generally supportive. We are providing the public with this opportunity to comment so as to allow the responsible official to consider public comments prior to making a decision.

### **FOREST PLAN DIRECTION**

The National Forest Management Act (NFMA) requires the development of long-range land and resource management plans. The BDNF Revised Forest Plan was approved in 2009 and provides guidance for all natural resource management activities on the BDNF. NFMA also requires that all projects and activities be consistent with the plans. The potential decision is consistent with Revised Forest Plan direction:

#### **Forestwide Goals**

Transportation System: "The minimum transportation system necessary is identified and managed." "Roads and trails are constructed, managed, and maintained to meet land and resource objectives" (FP, page 23).

As stated in the Forestwide Goals, Objectives, and Standards introductory paragraph, "These goals, objectives and standards do not alter any legal or statutory rights such as mineral development or private lands access or reduce the need to provide public or employee safety" (FP, page 12).

### **OPPORTUNITY TO COMMENT**

In a recent decision on the lawsuit *Earth Island Institute v. Ruthenbeck*, the Federal District Court for the Eastern District of California struck down the Forest Service provision at 36 CFR 215.4(a). That provision had excluded projects such as this one from public notice, comment and appeal. The Roadside Hazard Tree Removal #3 project is subject to public notice, comment, and appeal pursuant to provisions at 36 CFR 215.5 and 215.6. This comment period is intended to provide those interested in or affected by this proposal an opportunity to make their concerns known prior to a decision being made by the Responsible Official.

Please submit written comments to project leader Cheryl Martin, Jefferson Ranger District, 3 Whitetail Road, Whitehall, MT 59759 by the close of the comment period as determined by the publication date of the legal notice in the *Montana Standard*. Electronic comments will also be accepted. The process for submitting electronic comments is outlined in the legal notice and the cover letter.

Comments received in response to this solicitation for the Roadside Hazard Tree Removal #3 project, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA), permits such confidentiality. Persons requesting such confidentiality should be aware that, under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied; the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within 15 days.

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# Roadside Hazard Tree Removal #3 Project Map

Deer Lodge

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